UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 2 3 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
Article Number: 7005 3110 0000 5939 9088

Jacob Sofer, Chief Executive Officer
Mountainview Realty Group, Inc.
48 Bakertown Road, Suite 500
Monroe, New York 10950

Re: Notice of Proposed Assessment of a Civil Penalty Class I
Mountainview Condominiums, Mountain Road, Kiryas Joel, New York
Docket No. CWA-02-2013-3311
NPDES Permit No. NYR10V297

Dear Mr. Sofer:

Enclosed is a complaint which the U.S. Environmental Protection Agency ("EPA") is issuing to you as a result of our determination that the Mountainview Condominiums site located on Mountain Road in Kiryas Joel has failed to comply with the New York State Department of Environmental Conservation's General Permit for Storm Water Discharges from Construction Activity GP-0-10-001 as required by the storm water regulations, in violation of Sections 301 and 402 of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. §§ 1311 and 1342. This Complaint is filed pursuant to the authority of § 309(g) of the Act, 33 U.S.C. § 1319(g). The Complaint proposes that a penalty of **$7,500** be assessed against the Mountainview Realty Group, Inc. for these violations.

You have the right to a hearing to contest the factual allegations in the Complaint. If you admit the allegations, or they are found to be true after you have had an opportunity for a hearing on them, you have the right to contest the penalty proposed in the Complaint. Enclosed is a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits" ("CROP") (40 Code of Federal Regulations (C.F.R.) Part 22) which the Agency follows in cases of this kind. Please note the requirements for an Answer at 40 C.F.R. § 22.15. **If you wish to contest the allegations in the Complaint or the penalty proposed in the Complaint, you must file an Answer within thirty (30) days of your receipt of the enclosed Complaint to the EPA Regional Hearing Clerk at the following address**:

Regional Hearing Clerk
U.S. Environmental Protection Agency
290 Broadway, 16th Floor (Room 1631)
New York, New York 10007-1866

If you do not file an Answer within thirty (30) days of receipt of this Complaint, you may be judged to have defaulted (See, § 22.17 of the CROP). If a default order is entered, the entire proposed penalty may be assessed without further proceedings.

Whether or not you request a formal hearing, you may informally confer with EPA concerning the alleged violations and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint to pursue the possibility of settlement as a result of such informal conference with the Agency. You may represent yourself or be represented by an attorney at any stage of the proceedings, including any informal discussions, whether in person or by telephone.

Please note that a request for an informal conference does not substitute for a written Answer or affect what you may choose to say in an Answer, nor does it extend the thirty (30) days by which you must file an Answer requesting a hearing. Any hearing held in this matter will be conducted in accordance with the Proposed CROP, including Subpart I thereof.

If you have any questions or wish to discuss a settlement of this matter with the EPA by an informal conference, please immediately contact:

Phyllis Feinmark, Chief
Chief, Office of Regional Counsel
Water and General Law Branch
U.S. Environmental Protection Agency
290 Broadway - 16th Floor
New York, New York 10007-1866
(212) 637-3232

Offer of Settlement

On June 28, 2013, EPA sent Respondent an Expedited Settlement Offer ("ESO"). Respondent was given 30 days to sign and return the ESO and did not do so. Since Respondent did not respond to the ESO within thirty (30) days from the date of receipt of the ESO, the earlier settlement offer is withdrawn by EPA, and EPA is proceeding with this Administrative Penalty Order.

However, in an effort to promptly settle this matter, we are enclosing, for your consideration, a proposed Consent Agreement and Final Order ("CA/FO"). If, at the close of the public comment period on the Complaint, no adverse public comments are received and no information contrary to the information set forth in the Complaint comes to our attention in any other fashion, we would be prepared to enter into a CA/FO on the terms enclosed. Under the terms of the CA/FO you would be obligated to pay a penalty of **$3,000** in accordance with the terms of the CA/FO. **If you wish to resolve this matter without further proceedings, please sign the enclosed CA/FO and return it to EPA (Justine Modigliani, Chief Compliance Section, U.S. Environmental Protection Agency, Region 2 290 Broadway, 20th Floor, New York, NY 10007) within twenty-five (25) days of your receipt of this letter. Do not submit payment to EPA until after you receive an executed CA/FO.** If we do not receive the Consent Agreement, signed by you or your authorized representative, within this twenty-five (25) day period, our offer of settlement is withdrawn and we will thereafter seek the full amount of the penalty proposed in the Complaint.